

GUIDELINES

Spring
2004

Governing Local Plans for Gifted Education



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Exceptional Children Division

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Foreword

Historically, the mission of the North Carolina Department of Public Instruction has been to provide leadership to serve and meet the educational needs of students so that the most effective educational environments may be created with positive learning outcomes for all students. The Exceptional Children Division has a strong commitment to provide an appropriate education for all children so they may reach their fullest potential. Therefore, it is imperative to recognize and develop giftedness among traditionally underrepresented populations in the academically or intellectually gifted programs. Barriers related to attitudes, equity and access must be recognized and overcome. As the “Third Generation” plans are developed, major attention should be given to children from culturally diverse, economically disadvantaged and/or disability populations. Academically or intellectually (AIG) programs should be designed to assure that traditionally underrepresented students who demonstrate characteristics of academic or intellectual giftedness are recognized. These students should be provided opportunity to experience the philosophy, rigor and challenge that gifted programs across our state offer.

AIG programs can provide the opportunity to help underachieving students from diverse cultural and economic groups with exceptional potential to overcome the significant achievement gap between advantaged and disadvantaged groups in our state. As program guidelines based on best practices are developed, it must be recognized that the implementation of any screening, identification and placement policies, programming procedures and evaluations are viewed as a dynamic and ongoing process. The Exceptional Children Division is committed to evolve with these paradigm changes as educational assessment and instructional research practices continue to develop.

We hope you find *Guidelines: Governing Local Plans for Gifted Education* a useful tool as you review, revise or rewrite your “Third Generation” AIG plans.

Mary N. Watson, Director
Exceptional Children Division

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Historical Perspective

The North Carolina Department of Public Instruction commissioned the Task Force on Academically Gifted Education in November 1993 at the direction of the General Assembly. The Task Force published its recommendations in March 1994 and nine model sites were chosen to pilot proposed changes. In January 1996 the Department of Public Instruction reported the progress of the model sites to the Education Oversight Committee of the General Assembly.

In July the General Assembly passed Article 9B effectively re-creating gifted education in North Carolina to reflect the recommendations in the Task Force Report and the planning process developed by the nine model sites. The 1996 legislation moved gifted education from the law governing children with special needs. The Exceptional Children Division oversees programs for academically or intellectually gifted.

All 117 school systems have developed local plans for the education of academically or intellectually gifted students. The plans contain comprehensive descriptions of services available to students in the local school systems. These plans are submitted to the State Board of Education for review, comments and recommendations. The plans have had two program reviews from the State Board since the implementation of Article 9B, and the “Third Generation” review will be conducted in June 2004.

The guidelines for the development of local plans incorporate components of the statute and serve as suggestions for best practice. They provide some statewide consistency in the education of academically or intellectually gifted students. Information in bold print has been lifted from the statute.

Guidelines

Governing Local Plans for Gifted Education

Spring 2004

North Carolina Definition of Giftedness

Academically or intellectually gifted students perform or show the potential to perform at substantially high levels of accomplishment when compared with others of their age, experience or environment. Academically or intellectually gifted students exhibit high performance capability in intellectual areas, specific academic fields or in both intellectual areas and specific academic fields. Academically or intellectually gifted students require differentiated education services beyond those ordinarily provided by the regular educational program. Outstanding abilities are present in students from all cultural groups, across all economic strata and in all areas of human endeavor.

Local Plans

Each local board of education shall develop a local three-year plan designed to identify and establish a procedure for providing appropriate education services to each academically or intellectually gifted student. The board shall include parents, the school community, representatives of the community and others in the development of this plan. The plan may be developed by or in conjunction with other committees.

The Gifted Leadership Team

At the onset of planning, the gifted director/coordinator should form a 6-8 member Steering Committee composed of central office senior administrators, principals, gifted/regular teachers, parent representatives from various cultural and social-economic groups in the community. This team selects participants for the at-large Gifted Leadership Team that is representative of the local education agency (LEA) and community. Invitations may be extended to school psychologists/counselors, curriculum specialists, Exceptional Children Directors, school board members, parents, community representatives and student representatives. The leadership committee will review the existing gifted plan and will assess the strengths and weaknesses of the present program. The committee should assess the over or under representation of cultural and socioeconomic groups in the program and make recommendations/plans to address inequities. These assessment documents may include, but not be limited to, past state rubrics, state peer reviews, action plans, gifted student achievement data, child count records and annual self-assessments. Annual surveys, focus groups, interviews and questionnaires may be included to reveal strengths and weaknesses of existing programs. Data from these sources provide valuable direction in setting goals, writing objectives and making recommendations for the gifted program within the context of the total

school program. LEAs may write goals to improve or maintain existing programs; they may write goals to reflect program component additions. Possible areas that goals may address are as follows:

Procedures for Equitable Representation of Local Cultural and Socioeconomic Groups
Developing Local Norms for Norm-Referenced Test and Nomination Forms
Assessing Appropriateness of Multiple Program Options for Students with Diverse Needs
(Including Underachieving Students With Exceptional Potential Particularly Among
Under-Represented Populations)
Child Search/Referral Process/Screening/Identification
Administrator/Faculty/Parent Training
Academic Nurturing Programs (especially for LEAs and/or schools with low-incidence
gifted)
Highly Gifted Programs
Staffing Needs
Assessments
Program Evaluation

The above list should not be considered inclusive. Each Gifted Leadership Team determines the number of goals, objectives and/or recommendations to forward to the Steering Committee.

The Steering Committee and AIG director/coordinator will meet periodically during the plan's three-year duration to support and assess the goals and objectives established by the Gifted Leadership Team.

Plan Revision

Based on the goals, objectives and recommendations established by the gifted leadership team, the AIG coordinator/director and designees will review the AIG plan and how best determine to infuse the goals, objectives and recommendation of the leadership committee. The revised plan should reflect the data collected on equitable representation of diverse cultural and socio-economic groups, achievement of identified gifted students (current DEPs in place) and clearly establish procedures for assessing the achievement and growth of academically or intellectually gifted students. In addition, the plan should articulate the LEA's efforts to prepare, identify and serve underrepresented populations.

Plan Approval

The local school board must approve the plan for serving the needs of academically or intellectually gifted students.

Plan Review

Upon its approval of the plan, the local board shall submit the plan to the State Board of Education for its review and comments. The local board shall consider the comments it receives from the State Board before it implements the plan.

A plan shall remain in effect for no more than three years; however, the local board may amend the plan as often as it considers necessary or appropriate. Any changes to a plan shall be submitted to the State Board of Education for its review and comments. The local board shall consider the State Board's comments before it implements the changes.

Upon the approval of the local school board, the local school system must send the plan for gifted education to the Exceptional Children Division of the Department of Public Instruction for preview to ascertain that all components of the statutes are addressed. If all components are not present, the plan will be returned to the local school system for completion. If all required components are present, the plan will be accepted for review. Once the plan has been reviewed, comments recorded, and such information returned to the local school board, the plan may be implemented.

The Planning Components

Screening, Identification and Placement

The plan shall include screening, identification and placement procedures that allow for the identification of specific educational needs and for the assignment of academically or intellectually gifted students to appropriate services .

Child Search/Referrals

Each local education agency should create the same level of awareness about the academically or intellectually gifted program as it does about other significant school programs. Information on the definition of giftedness, student referrals, basic eligibility criteria, various program options and contact persons shall be made available to students, parents, faculty, administrators and community members.

A “public awareness” campaign may effectively employ the following types of media to inform multiple audiences on the gifted program and its services: Radio, television, newsletters, newspapers, posters, brochures, videos, and letters.

The child find/referral process should be an extensive effort to locate all children who may be potentially gifted by informing all stakeholders. Local education agencies may seek assistance from other local agencies in order to provide a continuum of child find services. These may include but are not limited to the following:

Title I Preschool Programs

Title I Program Directors
Day Care Centers
Head Start Programs
Public Health Departments
Community Service Group
Groups Representing or Serving Under-Represented Groups

Underserved Populations

A special effort should be made when designing “public awareness” campaigns for finding hard-to-reach children whose parents may not be aware of the need for or the availability of services for students with exceptional potential. Programs should also be designed to inform individuals who may not understand English or those who may live in rural or isolated geographical areas in the state.

Screening

Each system shall develop a screening component that includes a well-articulated procedure for equal opportunity, equity/access to all students including minority students, students with disabilities, students who are economically disadvantaged and other underserved groups. The screening process should occur annually and include provisions for an ongoing screening and selection process. Students who may show potential for giftedness, those who show potential for performing at exceptionally high levels of accomplishment in relation to their own demographic group in areas defined by the local plan, and those who may have been missed throughout the year under the standard screening process should be included in the screening procedure. The system should include a “check and balance” procedure (inter-rater reliability) that insures that a child being screened using multiple criteria in School A would also be included in the pool for possible identification as gifted with the same data in School B **in that LEA**. Each student should be viewed as an individual without limiting giftedness to any one score or measure. The screening process establishes a broad-based pool of students for placement considerations in service delivery options for academically or intellectually gifted students and includes the following:

- The use of standardized instruments, process and performance indicators and diverse sources of data (e.g., student, teacher, parent, peers or community members) to get the most complete picture of the student whose needs for programming are being assessed.
- The use of multiple criteria for decision-making that includes informal assessments. No one criterion should exclude a child from consideration for placement.
- The use of multiple sources of data to complement, not confirm each other.
- The use of assessment of the construct under consideration by using reliable and valid instruments.
- The policy of identification or screening of students without using single cutoff scores or summed matrix scores.

- The use of nontraditional methods for effective identification of underserved populations who may manifest giftedness in different ways.
- The employment of No Child Left Behind (NCLB) disaggregated data, using groups in order to establish local norms to find and meet the needs of underserved populations.

(Callahan, Hunsaker, Adams, Moore, Bland, 1995; Richert 2003, Colangelo and Davis, 2003)

Needs Assessment for Program Placement

Differentiated Education

Identification/instructional or performance-based placement of a student in a program option that provides differentiated instruction should be based on assessment of a student's academic and affective needs. The process should be structured to match diverse student needs and multiple program options. The emphasis for placement should be to match students with particular services. Program options should appropriately differentiate both content level and instructional strategies so that students may achieve their maximum intellectual and social potential. In order to prevent burdening or constraining students with inappropriate expectations, labeling students with designations of kinds or degrees of giftedness should be minimized or avoided.

As a minimum standard, a K-12 differentiated education program should be provided in the areas of reading, writing and mathematics to align with NC's accountability program in measuring students' achievement and growth. This differentiated educational approach that involves extended thinking, applied thinking and conceptual thinking builds upon and extends beyond the *North Carolina Standard Course of Study*. The matching (placement) of students with the appropriate learning environment(s), content modification(s) differentiated instructional strategies, including modified assessment, and special program options will be determined by the student's demonstrated abilities and/or performance as well as by academic and social needs. It is recommended that LEAs provide effective differentiation in the areas of social studies and science for gifted students. Program options should be aligned with as well as expand the curriculum goals listed in the *North Carolina Standard Course of Study*. Since resources are limited in programs for gifted education, general education has an integral responsibility to differentiate appropriately the curriculum for gifted students.

There is a symbiotic relationship between general education and program options for students with gifted potential. The purpose of gifted program options is to provide for the academic and social needs of identified students that cannot be met in general education. General education, however, has two critical responsibilities in the education of the gifted. First, the regular classroom is a de facto identification procedure. IF the curriculum and instruction develops gifted potential, then students can be identified. Second, students do not become "ungifted" in heterogeneous settings. Just as modifications are necessary for included special education students included in general

education, identified gifted students need to be provided appropriate differentiated instruction in heterogeneous settings (Richert, 2003). Criteria for instructional placement should match the particular service delivery option. The student's demonstrated strength-based needs should be considered when the committee makes program placement decisions.

Needs Determination Team

Each school (K-12) should form a committee to serve as a Needs Determination Team. This committee should include individuals who have a background in gifted education and/or experience in working with gifted students. These participants may be counselors, school psychologists, ESL teachers, administrators and gifted/special/general education teachers.

The duties and responsibilities of the Needs Determination Team are as follows:

- To implement the LEA's gifted child search/referral, screening, identification and instructional placement processes.
- To make decisions based on the demonstrated strength-based needs of the student. Different options will be appropriate for different students depending on the level of differentiation needed.
- To establish procedures to provide equitable access of students from diverse cultural and economic backgrounds.
- To receive permission from the parent/guardian for any aptitude or achievement testing that will not be generally administered in the regular school program.
- To record the information used in making the decision.
- To determine the program option(s) the student will access.
- To receive permission from the parents/guardian to place the student in the option(s).
- To exhibit sensitivity to cultural, economic and/or linguistic differences that need to be considered in examining information about students' needs.

The AIG coordinator/director should develop a system-wide procedure to assess the membership and procedures of the school-based Needs Determination Team to ensure that school-based decisions made at School A in the LEA would be the same decisions those made at School B using the same criteria/assessment information. In addition, procedures should be developed on how to address "borderline" students in order to ensure equity and access by all students to the gifted program.

Decision Documentation

Each identified gifted student should have an annual *Differentiated Education Plan (DEP)* or *Individual Differentiated Education Plan (IDEP)* that outlines the program service option(s) appropriate for that student at each grade. The *Differentiated Education Plan* lists the learning environments, content modifications and special programs available to the student during that year. A student who clearly demonstrates outstanding

intellectual gifts but does not meet the criteria for the Differentiated Education Plan, should be identified, and an *Individual Differentiated Educational Plan* should be developed to meet his/her needs.

There should be a schedule for an annual performance review for each student in order to follow student growth/ achievement and to determine the appropriateness of his/her continuing to receive differentiated services in each service option (Richert, 2003). The decision for a student to continue in a program service option should be based on the student's performance, academic or social need. Each option should have clearly defined instructional goals that must be assessed annually to determine student growth. Student progress will be recorded and shared with parents. If a student no longer requires services in a particular option or options, the school-based Needs Determination Team should convene to discuss the concerns and to consider more effective placement or modifications in the student's DEP. If the team recommends changes, the parent/guardian should be invited to a conference to discuss the student's performance. When a gifted student is returned to a general education program, an *Individual Differentiated Education Plan (IDEP)* is developed and support provided to the student in order to reenter the gifted service option(s) at a later date, if and when appropriate. Students do not become "ungifted" in heterogeneous settings. As for special education students who are included in general education classes, the DEP/IDEP should specify instructional modifications needed by identified gifted students in general education classes that may include being excused from mastered skills or offered choices of more challenging assignments (Richert, 2003).

In using grades as one of the multiple criteria for gifted placement decisions (entering or exiting), it is imperative that record keeping teachers (AIG and general), administrators and counselors have professional development in what is considered appropriate in reporting student performance. When using grades to determine eligibility or modification of placements, there are several cautions that must be considered. First, it is appropriate to use grades to include, but not to exclude students from eligibility, if there are other indicators of exceptional potential. Furthermore, once students' have been identified, grades may be used as a criterion to provide additional academic or social support or to move students to a more effective option. Grades alone, however, unless parents or students request it, are an insufficient criterion for exiting students from all program services. Grades must not be used to penalize students in advanced program options. Unless a weighted grading system is used, students' academic grades should be what they would have earned in heterogeneous placements with chronological peers (Richert, 2003).

A student-led conference format is recommended for all annual and mid-term performance reviews. Also, the plan may include provisions regarding furloughs, reassessment, exiting of students from program services and transfer students. The intent is to assure that all K-12 school-based teams are in alignment with one another and best research practices are followed concerning the placement of potentially gifted and gifted students within program options of that LEA.

Program Service Options

The plan shall include a clear statement of the program to be offered that includes different types of services provided in a variety of settings to meet the diversity of identified academically or intellectually gifted students.

The K-12 Program Service Options shall describe the array of differentiated services available and the criteria for entry into each major option. Services should be determined based on student need, not on availability. Equitable and appropriate access to services for all students who have been identified as academically or intellectually gifted should be provided system-wide. A base line of services that the system can offer system-wide with equal access should be established. Since the needs of high achieving/advanced students and highly gifted students vary widely, the program service options shall reflect this diversity. The program service options applicable to the vast majority of academically or intellectually gifted students should be listed in the *Differentiated Education Plan (DEP)*. Program learning options should indicate the learning environment where differentiation will occur (advanced class, cluster group, resource room, grade or content acceleration, dual enrollment, etc.), the method of content modification (advanced language arts, advanced math, AP Calculus, AP English, enrichment, etc.) and special programs that enhance learning (Odyssey of the Mind, Future Problem Solving, Mathcounts, Invent America, mini courses, etc.). Program service options should be described in a narrative form with local system-wide instructional placement criteria established for each major option. That very small group of unique students identified as academically or intellectually gifted who do not fit into any programs listed in the *Differentiated Education Plan* should have *Individual Differentiated Education Plans* to define and describe their program service options.

High School Program Service Options

Research addressing gifted education at the high school level is relatively scarce. Programs to address the needs of the gifted have not been as fully developed at the secondary as at the elementary level. For any form of homogenous grouping at the high school level, as at middle and elementary level, to qualify as a legitimate program option for identified students, specific instructional modifications must be included. These modifications should include, at a minimum, the highest levels of cognitive taxonomies for presentation of content, instructional modifications that provide choices to evoke intrinsic motivation, grouping to provide interaction with gifted peers, and evaluation procedures that do not penalize identified students (Richert, 2003).

If such modifications to meet students' intellectual as well as social needs are provided and documented in DEPs, structures such as Advanced Placement (AP), honors courses, early entrance to college, parallel enrollment at college and high school may qualify as formal gifted program options (Richert, 2003). Also, a misconception exists that Advanced Placement (AP) and honor courses address most, if not all, the needs of gifted students. With the movement toward "open access" for these classes, it is essential that

gifted secondary programming move toward developing additional opportunities for meeting the needs of gifted students beyond AP and honor classes in the academics and social/emotional areas.

The high school Needs Determination Team, composed of counselors, administrators and gifted/special/general education teachers, should meet annually (and ongoing when appropriate) to continue to screen/identify and recommend/place gifted students in appropriately rigorous and challenging classes. If a student fails to perform according to potential or neglects to select an instructional placement that matches potential, that student should be placed on an IDEP. This student should be provided support and monitored for student growth and achievement over time. The team should provide additional support in the areas of special programs, special schools/camps and scholarships and other services beyond those provided within the local high school.

A student-led conference format is recommended at the high school level when reviewing four-year plan and developing the annual Differentiated Education Plan in order to increase student achievement and growth. This format may be used for student/parent conferences as well. It is recommended that a DEP be attached to identified AIG high school students' four-year academic plans. These DEPs may be reviewed and dated when the Needs Determination Team members are reviewing yearly progress of students. Appropriate changes, if any, are indicated on the DEPs; other appropriate components should be addressed.

Evaluation

The plan shall include measurable objectives for the various services aligned with the core curriculum and a method to evaluate the plan and the services offered. The evaluation shall focus on improved student performances.

Program Evaluation

The local plan shall address how the program for gifted education is to be assessed. The plan will ensure that student assessment and services for academically or intellectually gifted students align and comply with the accountability standards as defined by the North Carolina ABCs. Students and parents, as appropriate, should be involved in the assessment of the effectiveness of some program elements, in particular, in class instructional delivery.

- Are the services on the *Differentiated Education Plan (DEP)* or *Individual Differentiated Education Plan (IDEP)* being offered?
- Are services available during the school day as well as throughout the entire school year?
- Do all of the district's schools receive gifted services/programs that are comparable with respect to quality and duration?

- Do program options enable academically or intellectually gifted students to work together as a group, work with other students, and work independently during the school day as well as throughout entire school year?
- Have the professional development activities outlined in the plan been completed and assessed for impact on changed teacher/administrator behaviors and student achievement and growth?
- Does the program reflect the diversity of the local population?
- Do identification procedures result in equitable representation of diverse cultural and economic groups in the community?
- How many teachers have received licensure in gifted education?
- How many teachers need professional development in the characteristics of the gifted, equitable identification, and meeting intellectual, emotional and social needs of gifted in homogeneous and heterogeneous groupings?
- Does the curriculum differentiation within each program option offer modifications that develop highest levels of intellectual and emotional taxonomies and accommodate individual interests, achievement levels and learning styles?

These management objectives are thought provoking; the answer will be *yes* or *no* or a “numerical” answer will be appropriate. In essence, the program evaluation should address the question, “Are we providing what our plan says we will provide?”

Student Evaluation

LEAs should provide an array of learning environments/opportunities that allow for ongoing assessments by teachers for students in kindergarten through grade twelve. Options may include the following:

- Instructional and organizational patterns that enable gifted students to work together as a group, to work with other students and to work independently on challenging and rigorous tasks.
- A continuum of learning experiences that leads to the development of advanced-level products and performances designed with criteria to ensure quality.
- Assessments that require students to create more realistic responses to tasks and require the application of skills within knowledge utilization of the cognitive domain.
- In-school and, when possible, out-of-school options relevant to the student’s area of strength that are available during the entire school year.
- Opportunities to accelerate in areas of strength.
- Procedures for authentic self-assessment by students of both process of learning and achievement of objectives within each program option.

The End-of-Year and End-of-Course tests may provide evidence of student growth in some instructional settings. These measures are not sufficient as the only source of evaluation. Examples of appropriate measures for documenting growth in students are as follows:

Portfolio assessments,
Expert reviews of products,
Off-grade-level assessments,
Authentic assessments,
Performance assessments,
Attitudinal surveys, and
Student criterion-referenced self-assessment of both process of learning and achievement
of objectives.

Developing multiple types of assessments beyond standardized testing is challenging. It is important to acknowledge what research tells us about providing opportunities and generating support for modifying assessment procedures in organizations.

Professional Development

The local plan shall include professional development clearly matched to the goals and objectives of the plan, the needs of the staff providing services to academically or intellectually gifted students, the services offered and the curricular modifications.

All personnel in the planning, development and delivery of services should have knowledge to enable them to offer appropriate options and curricula for academically or intellectually gifted. The LEA's plan may include yearly assessment of professional development's effectiveness in regard to number of teachers receiving training and/or state licensure, student achievement and growth patterns, and trends over time with those teachers who receive and those who do not receive training.

LEAs should structure professional development opportunities for all teachers who teach gifted students. Topics that should be addressed include the following:

- Different characteristics, intellectual and social needs of students with gifted potential.
- Appropriate use of multiple sources of data in identification of the gifted.
- Differentiation of content/process/instruction, and evaluation in program options needed to evoke gifted potential.
- Recognition of traits and needs of at-risk students and academic and social/emotional needs.
- Intervention strategies for gifted students.
- Awareness of cultural and socio-economic differences that can influence different manifestations of giftedness.

Name and Role Description

The plan shall include the name and role description of the person responsible for implementation of the plan.

Role(s) Responsibilities

The plan shall include the title(s) and role description(s) of the person(s) responsible for each level of implementation of the plan. Beginning with the system level coordinator, the plan should outline the responsibilities of each instructional position assigned to each program service option as well as the support personnel at the school and central office level. The level of preparation in gifted education for each role description should be listed in this section.

Community Involvement

The plan shall involve the school community, parents, and representatives of the local community in the ongoing implementation of the local plan, monitoring of the local plan, and integration of educational services for academically or intellectually gifted students into the total school program. This should include a public information component.

The LEA regularly encourages community and family participation in services designed for academically or intellectually gifted students and/or those who show potential to enter gifted programs. To the extent possible, translations should be available in the primary language of the students' families in regard to the local plan and policies.

Procedure To Resolve Disagreement

The plan shall include a procedure to resolve disagreements between parents or guardians and the local school administrative unit when a child is not identified as an academically or intellectually gifted student or concerning the appropriateness of services offered to the academically or intellectually gifted.

Disagreements

The local plan shall establish grievance procedures consistent with local policy through which parents may resolve concerns regarding identification, evaluation, eligibility or services for gifted students. The first attempt to reach accord could occur with the teacher and principal at the local school level. If no resolution is possible, the system-level coordinator of the academically or intellectually gifted program could possibly review the disagreement. The next level for discussion might be the superintendent or his/her designee. If agreement cannot be reached administratively, the local board should

review the disagreement. At any point in the hierarchy of discussions, the school system should consider the possibility of mediation with an impartial facilitator.

As an alternative to the hierarchy procedure, a school system could elect to form a Grievance Committee to hear disagreements. If the committee cannot settle the dispute, the local school board should review the issue. Mediation could occur at any point during the process.

115C-150.8 Review of Disagreements

In the event that the procedure developed under G.S. 115C-150.7 (b)(7) fails to resolve a disagreement, the parent or guardian may file a petition for a contested case hearing under Article 3 of Chapter 150B of the General Statutes. The scope of review shall be limited to (i) whether the local school administrative unit improperly failed to identify the child as an academically or intellectually gifted student, or (ii) whether the local plan developed under G.S. 115C-150.7 has been implemented appropriately with regard to the child. Following the hearing, the administrative law judge shall make a decision that contains findings and conclusions of law. Notwithstanding the provisions of Chapter 150B of the General Statutes, the decision of the administrative law judge becomes final, is binding on the parties, and is not subject to further review under Article 4 of Chapter 150B of the General Statutes.

If the parents/guardians and the local school system cannot reach agreement, the parent has the right to petition an Administrative Law Judge whose decision will be final. Attorney's fees are not available to parents in the event they prevail in a due process.

Additional Information

The local plan shall include any other information the local board considers necessary or appropriate to implement the legislation or to improve the educational performance of academically or intellectually gifted students .

The plan should be a reflection of the community's goals for its academically or intellectually gifted students. Although the statutes define the minimum standards for the program, they do not in any way limit the program options and services a system may provide its students. If resources are available, school systems may include services in the cultural arts, academic counseling, leadership, talent development, etc.

Items the plan may include are goals, gifted philosophy of the school system, additional components (nurturing, highly gifted and/or social and emotional programs), budget, timelines and acknowledgements of individuals who developed the plan, etc.

Pertinent Information

Child Counts

To accurately reflect the AIG population and to have some consistency across the state in counting AIG students, LEAs should only count identified gifted students who are receiving services and have a current *Differentiated Education Plan* or *Individual Differentiated Education Plan* in place. Students who have transferred from one system and are not receiving services when the child count is taken should not be counted. It is recommended that all identified AIG high school students' four-year academic plans be attached to a DEP. These DEPs may be reviewed and dated when counselors are reviewing yearly progress of students and appropriate changes, if any, are indicated on the DEPs. Other appropriate components should be addressed. These are the only students who should be counted on the state child count, and all these students should meet the criteria for gifted identification in that LEA.

The *Child Count of Children with Disabilities Who Are Also Academically or Intellectually Gifted* is due on April 1 of each year. This is the same time the child count of other exceptionalities is due to the Exceptional Children Division.

Nurturing child counts reflect the innovative programs across the state. There are two optional child count forms: *AIG Nurturing Child Count* (general enrichment) and a *Nurturing Differentiated Education Plan* (a well-articulated program with screening, placement and curriculum of students who show potential for gifted programs). These children should not be counted on the official state child count for academically or intellectually gifted students. The nurturing child count forms are submitted by June 1 of each calendar year to the State Consultant, Academically or Intellectually Gifted Program, Exceptional Children Division, North Carolina Department of Public Instruction.

Monitoring

The Department of Public Instruction according to the legislation will monitor the local program plans for academically or intellectually gifted students. The monitoring will determine whether the local plan contains the components required by law and whether the system is providing the services outlined in the plan.

Student Transfers

Any student who transfers with evidence of participation in a program for academically or intellectually gifted students should be reviewed for instructional placement in the existing gifted program based on the student's educational needs and local options available. LEAs should establish a timeline (30/60 or 90 days) for this process to occur. If a student's performance is not satisfactory after placement in the gifted program options, the Needs Determination Team will meet to review student records and performance and then make an appropriate recommendation for the student's

instructional placement. At this time an *Individual Differentiated Education Plan* may be developed based on performance for the student's most appropriate instructional placement. This placement may or may not provide for gifted program option(s). The Needs Determination Team should closely monitor the student's progress and design academic, emotional and/or social support for a student, if needed. Furlough periods will vary depending on the LEA's philosophy of retaining a child in the gifted program. However, every effort should be made to return the student to the gifted program option if appropriate.

State Funds

Effective July 1, 1997, funds allocated for academically or intellectually gifted students may be used only for academically or intellectually gifted students; to implement the plan developed under G.S. 115C-150.7; or in accordance with an accepted school improvement plan, for any purpose so long as that school demonstrates it is providing appropriate services to academically or intellectually gifted students assigned to that school in accordance with the local plan. Funding for gifted education is based on 4% of the average daily membership of local school system.

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Appendix A

AIG Coordinators' Institute
Implementing Article 9B: Research-Based Service delivery and
Effective Program Practices

October 3, 2003
Radisson Research Triangle Park

Citations From Dr. Linda Silverman's Presentation
Identification and Assessment of Gifted Students

Citation for support of individual group IQ tests is the following book.

- **Gilman, B. (2003). Empowering gifted minds: Educational advocacy that works. Denver: DeLeon, Publishing, Inc..**

Chapter 3, "Testing Considerations" P-71.

"Brief measures appear particularly inadequate for documenting the giftedness of twice exceptional (both gifted and learning disabled) children and they frequently fail to document high levels of giftedness. For example, we have seen profoundly gifted children (175+) score in the 130s on the CogAT. Research as early as 1959, by Pagnato and Birch, showed that highly capable children often expand the meaning of the multiple-choice questions on brief tests beyond what the test writer had in mind, and they may answer incorrectly."

- **Assouline, S. (2003). Psychological and educational assessment of gifted children. In N. Colangelo & G.A. Davis (Eds.) *Handbook of gifted education (third edition)*. Boston: Allyn & Bacon.**

"Group intelligence tests are often used as a way of initially screening for students of high academic ability, but beyond that their uses with individual students are limited.

Despite improvements in the group-administered tests of general ability, an individually administered test remains the best instrument for identifying gifted children on the criterion of general ability." P-126.

- "Change 'and' to 'or'"

You may quote me from the presentation. If you look at the funnel screening in the handout, "or" is implied between each of the methods of entering the talent pool. Every "and" in an identification plan limits the identification of gifted students to high achievers and leaves out the very children you are concerned about missing.

...It is certainly implied in the National Report that Susanne Richert put together and in her chapter, **“Excellence with justice in identification and programming.”** From the **N. Colangelo & G.A. Davis (Eds.) *Handbook of gifted education (third edition)*. Boston: Allyn & Bacon.**

You may also use this email (October 15 to Valorie Hargett) as a legitimate citation, according to APA Guidelines.

Earlier IQ Scores

- **Silverman, L.K. (1986). The IQ controversy: Conceptions and misconceptions. *Roeper Review*, Vol. 8, Number 3, 136-140.**

"Since developmental differences are more apparent during the preschool and primary years than they are later, IQ tests are more sensitive to the differential rate of development of younger children. For example, there are greater developmental differences between four year olds and six year olds than there are between ten year olds and twelve year olds; therefore, the tests are more effective in distinguishing differences among four year olds. By junior high school, generalized abilities are channeled into specific domains, and aptitude tests are considered better indicators of ability than intelligence tests."

- **Silverman, L.K. (1998). Using test results to support clinical judgment. *Gifted Education quarterly*. Winter, 12(1), 2-5.**

"It is impossible for a child to achieve beyond his or her capabilities. (This is why the term 'overachiever' is an oxymoron.) Therefore, we recommend that the highest indicator of a child's abilities at *any age* should be seen as the best estimate of the child's giftedness."

Dr. Silverman wrote . . .

I don't believe anyone else is making that recommendation. They are all brainwashed into believing that newer is better, without realizing the impact of "newer" on the IQ scores of gifted children.

In 1989, I presented a paper at NAGC, entitled, "Lost: One IQ Point per Year for the Gifted," in which I traced how the gifted have been penalized at THREE TIMES the level of the Flynn Effect, since 1972. Now that we have 2002 norms, the picture has not changed, but the cumulative effect is worse. The Flynn Effect is approximately 1/3 of an IQ point per year. It indicates that the general population is increasing in intelligence at about that rate. The average child achieved an IQ score of 100 in 1972. In 2002, the same raw score would yield an IQ score of 90 (1/3 of an IQ point over a 30-year period is 10 IQ points). However, the Flynn Effect DOES NOT APPLY IN THE GIFTED OR RETARDED RANGES, a piece of information overlooked by most test constructors and psychologists. Yet, the gifted population is being

penalized in renorming at three times the rate of the general population. A raw score in 1972 that would have yielded an IQ score in the highly gifted range--145, would yield a score of about 115 in 2003 on most of the newly normed tests, insufficient to gain entrance into a gifted program! Is this child really 115 or actually a highly gifted child? If the score had been 135, instead of 145, then the reduction would be in keeping with the Flynn Effect. As no one else seems to be looking at these losses besides me, no one else is writing about them, and I can provide no other citations.

This leads to the following recommendations:

- 1) Older test scores are likely to be better estimates of gifted ability than newer test scores, because new norms are prejudicial against the gifted.
- 2) Scores of younger children are likely to be better estimates of gifted ability than newer test scores for gifted girls, children of minority groups, and children of low socio-economic circumstances, because these children are socialized to hide abilities as they get older and the test items are more loaded on crystallized (environmentally loaded) abilities than on fluid abilities in the upper age ranges.
- 3) Given the fact that the means for the gifted groups in the validation studies on the WISC-IV and Binet 5 were 123.5 and 124, respectively, it is important to lower cut-off scores for gifted programs to 120 IQ. ALL of the children in the validation studies tested above 130 on other IQ tests, and some tested in the 200 IQ range. Even if the mean of the gifted groups was 130 (a VERY conservative estimate), that represents a loss of 6.5 IQ points from 1991 to 2002--twice the Flynn Effect.

- **Borland, J. H., & Wright, L. (1994). Identifying young, potentially gifted, economically disadvantaged students. *Gifted Child Quarterly*, 38, 164-171.**

"Working Principles" (page 164)

1. The potential for academic giftedness is present in roughly equal proportions in all groups in our society.

Dickinson, R. M. (1970). *Caring for the gifted*. North Quincy, MA: Christopher

2. Gifted education is a form of special education.

(p. 165) 3. Identifying economically disadvantaged, potentially gifted students differs from identifying other gifted students with respect to the goal of identification.

Placing potentially gifted economically disadvantaged students in special classes for gifted students can be problematic. ... Such placements may become sink-or-swim situations. This illustrates the need for what we call *transitional services*, interventions

designed to help potentially gifted students develop their latent abilities. ... We thus seek evidence of undeveloped potential, not necessarily realized ability.

4. Knowledge needed to identify disadvantaged gifted students is to be found in school classrooms, not the research literature.

5. The human being is the identification instrument of choice.

...Attempts to overcome this discrepancy [the gap between the mean IQs of African-American and Caucasian children] by manipulating test scores (for example, by using a matrix) or creating "culture-fair" or "culture-free" tests have not been promising. The answer, we believe, is to use "the human instrument" (Lincoln & Guba, 1985, p. 39), trading the objectivity of standardized tests for the sensitivity and adaptability of human observation and judgment.

(This supports Annemarie Roeper's Qualitative Assessment Method that I discussed in the presentation. I added the bracketed section from the previous sentence. The parenthetical phrases are in the original.)

6. The concept of "best performance" is valid in identifying giftedness in young economically disadvantaged children.

As Roedell, Jackson and Robinson argue,

very young children...rarely...can be relied upon to demonstrate the best performance of which they are capable during all phases of a test session. ...[T]he most meaningful aspect of a young child's test performance is not the child's average level of performance across a wide range of tasks, but the most advanced performance demonstrated (1980, p. 38)

This is even more true for young children whose intellectual and experiential stimulation has been minimal and inconsistent. Thus, for identification purposes, we look for any sign of advanced performance that might represent untapped potential. This precludes the use of a matrix or any process involving the averaging of data and requires using many varied indicators to increase the probability of uncovering an area of advanced performance or potential."

References:

- **Lincoln, Y.S., & Guba, E.G. (1985). *Naturalistic inquiry*. Beverly Hills, CA: Sage.**
- **Roedell, W.C., Jackson, N.E., & Robinson, H.B. (1980). *Gifted young children. Perspectives on Gifted and Talented Education*. New York: Teachers College Press.**

Working Principle Number 6 supports my assertion about the use of early IQ scores: "Therefore, we recommend that the highest indicator of a child's abilities at any age should be seen as the best estimate of the child's giftedness. It also supports the use of multiple criteria. And it explains why matrices are not helpful in looking for giftedness in disadvantaged populations."

Appendix B

Appendix C